

#### REMARKS

Favorable reconsideration of this application as amended is respectfully requested.

The objection to the specification is respectfully traversed. Proper antecedent basis for the claimed subject matter is clearly provided on pages 5-6 of the specification. See, in particular, page 5, line 25 to page 6, line 6; page 6, lines 12-18, and 22-27.

Claim 17 has been amended to overcome the claim objection.

Claim 16, which was not subject to the double patenting rejection, has been cancelled and the subject matter thereof provided in new independent Claim 34, upon which Claims 17-24 are now dependent, directly or indirectly. In view of this dependency, and the cancelation of Claims 14, 15, and 25-33, the double patenting rejection is no longer an issue.

Claim 34 and the claims dependent thereon clearly distinguish patentably from Duval, relied upon in the rejections under 35 U.S.C. § 102(b) and 103(a). The Brown reference relied upon in the rejection of Claims 23 and 33 under 35 U.S.C. § 103(a) does not compensate for the deficiencies of Duval discussed below.

New Claim 34 recites that the spline fitting portion or serration fitting portion of the male shaft and the spline

fitting portion or serration fitting portion of the female shaft are always in slidable contact with each other. In Fig. 12 of Duval, projections 34 and grooves 35 are not in contact with each other, but are provided with some clearance. They are only used to transmit torque if the balls 3 should rupture. See column 8, lines 34-38.

In Applicant's invention, the torque transmitting portions (spline or serration fitting portions) are always in contact to each other. See Applicant's specification, page 5, lines 23-24; page 6, lines 9-11; page 13, lines 14-16; page 15, lines 1-4; page 19, lines 7-10; page 21, lines 17-20; page 23, lines 11-14; and page 25, lines 21-24.

By virtue of the invention, torque larger than a predetermined level is not inputted to the rolling members (balls), so damage to the elastic members is prevented. Also, the use of spline or serration fitting portions that are always in contact provides uniform engagement at all times.

For the foregoing reasons, Claim 34 and the claims dependent thereon should be allowed.

This application is now believed to be clearly in condition for allowance.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-10284) any fees under 37

C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

By: Nelson H. Shapiro  
Nelson H. Shapiro  
Reg. No. 17,095

Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
(703) 903-9000

September 17, 2008  
NHS:jar